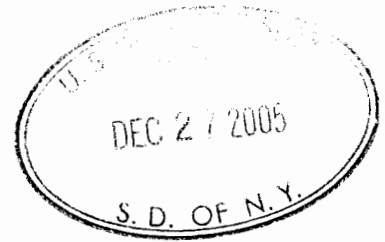


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



In re:

SONY BMG CD  
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**NOTICE OF MOTION AND MOTION FOR *PRO HAC VICE* ADMISSION  
OF DANIEL C. GIRARD**

**GIRARD GIBBS & De BARTOLOMEO LLP**

Daniel C. Girard  
Jonathan K. Levine (JL-8390)  
Elizabeth C. Pritzker  
Aaron M. Sheanin  
601 California Street, Suite 1400  
San Francisco, California 94108  
Telephone: (415) 981-4800  
Facsimile: (415) 981-4846

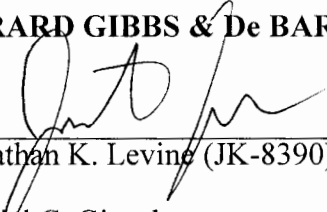
*Plaintiffs' Co-Lead Counsel*  
*Additional Attorneys on Signature Page*

PLEASE TAKE NOTICE that, upon the accompanying Affidavits of Jonathan K. Levine and Daniel C. Girard, dated December 21, 2005 and the exhibit annexed thereto, and upon all prior papers and proceedings, Plaintiffs will move this Court on a date to be determined, upon submission, unless otherwise ordered by the Court, for an order permitting Aaron M. Sheanin of Girard Gibbs & De Bartolomeo LLP, counsel for plaintiffs, to practice before this Court in connection with all proceedings in these matters.

Respectfully submitted,

**GIRARD GIBBS & De BARTOLOMEO LLP**

Dated: December 21, 2005

  
Jonathan K. Levine (JK-8390)

Daniel C. Girard  
Elizabeth C. Pritzker  
Aaron M. Sheanin  
601 California Street, Suite 1400  
San Francisco, California 94108  
Telephone: (415) 981-4800  
Facsimile: (415) 981-4846

**KAMBER & ASSOCIATES, LLC**

Scott A. Kamber (SK-5794)  
19 Fulton Street, Suite 400  
New York, New York 10038  
Telephone: (212) 571-2000  
Facsimile: (212) 202-6364

*Plaintiffs' Co-Lead Counsel*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

SONY BMG CD  
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS'  
MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL C. GIRARD**

GIRARD GIBBS & De BARTOLOMEO LLP

Daniel C. Girard

Jonathan K. Levine (JL-8390)

Elizabeth C. Pritzker

Aaron M. Sheanin

601 California Street, Suite 1400

San Francisco, California 94108

Telephone: (415) 981-4800

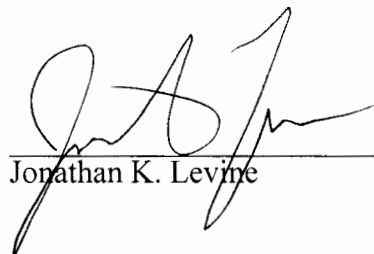
Facsimile: (415) 981-4846

*Plaintiffs' Co-Lead Counsel*

I, Jonathan K. Levine, being duly sworn, deposes and says that the following facts are true and correct to the best of his personal knowledge:

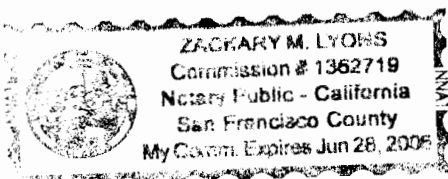
1. I am an attorney duly admitted to practice before this Court. My admission to this Court was on March 14, 1989.
2. I am not under suspension or disbarment by any court.
3. I am a partner of the firm of Girard Gibbs & De Bartolomeo LLP, and my office is located at 601 California Street, Suite 1400, San Francisco, California 94108. My telephone number is (415) 981-4800.
4. I make this affidavit in support of Plaintiffs' motion for the admission of Daniel C. Girard *pro hac vice*.
5. I have known Daniel C. Girard for over seven years and believe he will uphold the integrity of this Court and will comply with all applicable New York Local Rules of Civil Procedure.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of December, 2005 at San Francisco, California.

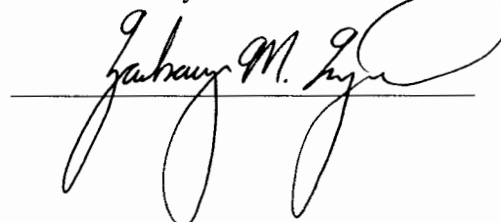
  
Jonathan K. Levine

State of California       )  
County of San Francisco )

On December 21, 2005, before me, Zackary M. Lyons, Notary Public, personally appeared Jonathan K. Levine, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

  
Zackary M. Lyons

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

SONY BMG CD  
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**AFFIDAVIT OF DANIEL C. GIRARD IN SUPPORT OF PLAINTIFFS'  
MOTION FOR *PRO HAC VICE* ADMISSION**

**GIRARD GIBBS & De BARTOLOMEO LLP**

Daniel C. Girard

Jonathan K. Levine (JL-8390)

Elizabeth C. Pritzker

Aaron M. Sheanin

601 California Street, Suite 1400

San Francisco, California 94108

Telephone: (415) 981-4800

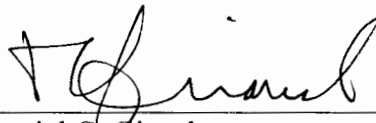
Facsimile: (415) 981-4846

*Plaintiffs' Co-Lead Counsel*

I, Daniel C. Girard, being duly sworn, deposes and says that the following facts are true and correct to the best of his personal knowledge:

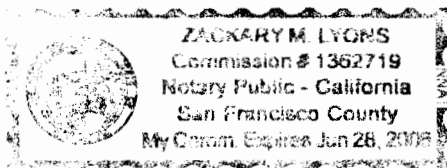
1. I am an attorney duly admitted to practice to law in the State of California. Attached hereto as "Exhibit A" is an original Certificate of Good Standing from the State Bar of California.
2. I am not under suspension or disbarment by any court.
3. I am a the managing partner of the firm of Girard Gibbs & De Bartolomeo LLP, and my office is located at 601 California Street, Suite 1400, San Francisco, California 94108. My telephone number is (415) 981-4800.
4. I make this affidavit in support of Plaintiffs' motion my admission *pro hac vice*.
5. I recognize that if I am admitted *pro hac vice*, I am within the disciplinary jurisdiction of the United States District Court for the Southern District of New York. Upon my admission *pro hac vice*, I agree to comply with all applicable New York Local Rules of Civil Procedure.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of December, 2005 at San Francisco, California.

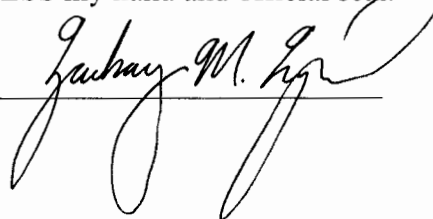
  
Daniel C. Girard

State of California        )  
County of San Francisco )

On December 21, 2005, before me, Zackary M. Lyons, Notary Public, personally appeared Daniel C. Girard, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

  
Zackary M. Lyons



THE  
STATE BAR  
OF CALIFORNIA

180 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105-1639  
TELEPHONE (415) 538-2000

December 16, 2005

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DANIEL CHARLES GIRARD was admitted to the practice of law in this state by the Supreme Court of California on December 3, 1984; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Lorna R. Maynard  
Senior Administrative Supervisor

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

SONY BMG CD  
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**CERTIFICATE OF SERVICE**

**GIRARD GIBBS & De BARTOLOMEO LLP**

Daniel C. Girard

Jonathan K. Levine (JL-8390)

Elizabeth C. Pritzker

Aaron M. Sheanin

601 California Street, Suite 1400

San Francisco, California 94108

Telephone: (415) 981-4800

Facsimile: (415) 981-4846

*Plaintiffs' Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

I, Zackary M. Lyons, hereby declare as follows:

I am employed by Girard Gibbs & De Bartolomeo, a Limited Liability Partnership, 601 California Street, Suite 1400, San Francisco, California 94108. I am over the age of eighteen years and am not a party to this action. On December 21, 2005, I served the following documents:

- 1) **NOTICE OF MOTION AND MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL C. GIRARD;**
- 2) **AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS' MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL C. GIRARD;**
- 3) **AFFIDAVIT OF DANIEL C. GIRARD IN SUPPORT OF PLAINTIFFS' MOTION FOR *PRO HAC VICE* ADMISSION;**
- 4) **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL C. GIRARD; and**
- 5) **CERTIFICATE OF SERVICE**

on:

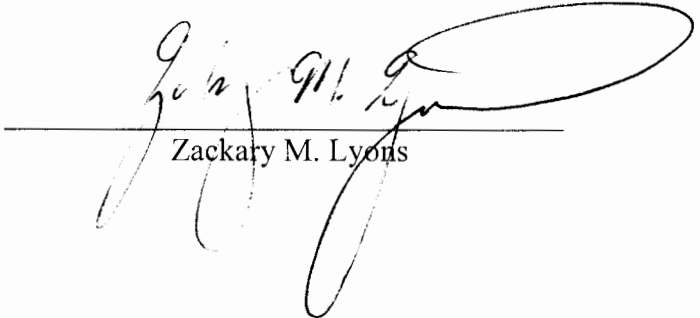
|   |  |
|---|--|
| Scott A. Kamber (SK-5794)<br><b>KAMBER &amp; ASSOCIATES, LLC</b><br>19 Fulton Street, Suite 400<br>New York, New York 10038<br>Telephone: (212) 571-2000<br>Facsimile: (212) 202-6364<br><br><i>Plaintiffs' Co-Lead Counsel</i>                   | Sanford P. Domain (SD-8712)<br>Peter Safirstein (PS-6176)<br><b>MILBERG WEISS BERSHAD &amp; SCHULMAN LLP</b><br>One Pennsylvania Avenue<br>New York, New York 10119-0165<br>Telephone: (212) 594-5300<br>Facsimile: (212) 868-1229<br><br><i>Plaintiffs' Executive Committee</i> |
| Ira M. Press (IP-5313)<br>Mark A. Strauss (MS-2288)<br><b>KIRBY McINERNEY &amp; SQUIRE, LLP</b><br>830 Third Avenue<br>New York, NY 10022<br>Telephone: (212) 317-2000<br>Facsimile: (212) 751-2540<br><br><i>Plaintiffs' Executive Committee</i> | Jason L. Solotaroff (JS-5739)<br>Oren Giskan (OG-3667)<br><b>GISKAN &amp; SOLOTAROFF</b><br>207 West 25 <sup>th</sup> Street<br>New York, New York 10001<br>Telephone: (212) 847-8315<br>Facsimile: (212) 473-8096<br><br><i>Plaintiffs' Executive Committee</i>                 |

|   |   |
|---|---|
| <p>David Nester<br/> <b>NESTER &amp; CONSTANCE, P.C.</b><br/> 123 West Washington Street<br/> Belleville, Illinois 62220-2021<br/> Telephone: (618) 234-4440<br/> Facsimile: (618) 234-6193</p> <p><i>Counsel for Plaintiffs</i></p>  | <p>Robert I. Lax (RL-8413)<br/> <b>ROBERT I. LAX &amp; ASSOCIATES</b><br/> 535 Fifth Avenue, 21<sup>st</sup> Floor<br/> New York, NY 10017<br/> Telephone: (212) 818-9150<br/> Facsimile: (212) 818-1266</p> <p><i>Counsel for Plaintiffs</i></p>   |
| <p>Daniel Lynch<br/> Ethan Preston<br/> <b>CIRIGNANI HELLER HARMAN &amp; LYNCH</b><br/> 150 S. Wacker Drive, #2600<br/> Chicago, IL 60606<br/> Telephone: (312) 346-8700<br/> Facsimile: (312) 896-5883</p> <p><i>Counsel for Plaintiffs</i></p>  | <p>Jeffrey S. Jacobson<br/> <b>DEBEVOISE &amp; PLIMPTON LLP</b><br/> 919 Third Avenue<br/> New York, NY 10022<br/> Telephone: (212) 909-6000<br/> Facsimile: (212) 909-6836</p> <p><i>Counsel for Defendants</i></p>  |
| <p>Robert M. Rothman<br/> <b>LERACH COUGHLIN STOIA GELLER RUDMAN &amp; ROBBINS LLP</b><br/> 200 Broadhollow Road, Suite 406<br/> Melville, New York 11747<br/> Telephone: (631) 367-7100<br/> Facsimile: (631) 367-1173</p> <p><i>Counsel for Tom Ricciuti, Yvonne Ricciuti and Mary Schumacher</i></p>                           | <p>Robert S. Green<br/> Jenelle Welling<br/> Avin P. Sharma<br/> <b>GREEN WELLING LLP</b><br/> 595 Market Street, Suite 2750<br/> San Francisco, California 94105<br/> Telephone: (415) 477-6700<br/> Facsimile: (415) 477-6710</p> <p><i>Counsel for Tom Ricciuti, Yvonne Ricciuti and Mary Schumacher</i></p> |
| <p>Cindy Cohn<br/> Fred Von Lohmann<br/> Kurt Opsahl<br/> Corynne McSherry<br/> <b>ELECTRONIC FRONTIER FOUNDATION</b><br/> 454 Shotwell Street<br/> San Francisco, California 94110<br/> Telephone: (415) 436-9333<br/> Facsimile: (415) 436-9993</p> <p><i>Counsel for Tom Ricciuti, Yvonne Ricciuti and Mary Schumacher</i></p> |   |

XXX by placing the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at San Francisco, California addressed as set forth above.

\_\_\_\_\_ by transmitting via facsimile the above listed document(s) to the fax number(s) set forth above on this date.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct, executed December 21, 2005, at San Francisco, California.



\_\_\_\_\_  
Zackary M. Lyons